

MEMORANDUM  
COUNTY OF LOUDOUN

DATE: November 17, 2022

TO: Department and Agency Heads

FROM: Tim Hemstreet, County Administrator

SUBJECT: Action Report of the November 15, 2022, Board of Supervisors Business Meeting.

Please work with staff to address the Board of Supervisors (Board) action as noted in the Action Report from the November 15, 2022, Board Business Meeting.

Link to webcast of meeting:

[https://loudoun.granicus.com/player/clip/7127?meta\\_id=219338](https://loudoun.granicus.com/player/clip/7127?meta_id=219338)

REQUESTS FOR ADDITIONS/DELETIONS TO THE AGENDA

Chair Randall announced the addition of Item 11, Promotion of New Transit Routes to Metrorail Stations.

ADOPTION OF THE CONSENT AGENDA

Supervisor Buffington moved that the Board of Supervisors approve the following items on consent: R-1, R-2, R-3, R-4, R-5, 1a, 2, 4, 6, 7, and 8. (Seconded by Supervisor Umstattd. The motion passed 9-0.)

REGIONAL ORGANIZATION UPDATES AND VOICE FOR A CAUSE

Supervisors Briskman, Glass, Letourneau, and Chair Randall reported on the regional meetings they had attended in recent weeks.

The Voice for a Cause was Brain Injury Services. More information can be found at: [www.braininjuryservices.org](http://www.braininjuryservices.org).

Link to Regional Updates:

[https://loudoun.granicus.com/player/clip/7127?meta\\_id=219346](https://loudoun.granicus.com/player/clip/7127?meta_id=219346)

PRESENTATION OF CEREMONIAL RESOLUTIONS

R-1 Proclamation to Declare November 19, 2022, as Adoption Day (Approval & Presentation)

Supervisor Buffington moved that the Board of Supervisors approve the Proclamation Declaring November 19, 2022, as Adoption Day in Loudoun County, provided as

Attachment 1 to the November 15, 2022, Board of Supervisors Business Meeting Action Item. (Consent Item) (Seconded by Supervisor Umstattd. The motion passed 9-0.)

Staff Contact: Stacy Carey & Arlee Harris, Supervisor Kershner's Office; Sarah Tuggle, Chair Randall's Office

R-2 Resolution to Recognize the 30th Anniversary of the Kick Cancer Out of the World Campaign (Approval only)

Supervisor Buffington moved that the Board of Supervisors approve a resolution of appreciation for Grandmaster Choi and the USTMA for the 30th anniversary of the Kick Cancer Out of the World Campaign. (Consent Item) (Seconded by Supervisor Umstattd. The motion passed 9-0.)

Staff Contact: Valerie Suzdak, Supervisor Umstattd's Office

R-3 Resolution to Celebrate the 60th Anniversary of Dulles Airport (Approval only)

Supervisor Buffington moved that the Board of Supervisors approve this resolution to honor the 60th anniversary of Dulles International Airport. (Consent Item) (Seconded by Supervisor Umstattd. The motion passed 9-0.)

Staff Contact: Jared Midwood, Supervisor Letourneau's Office

R-4 Proclamation to Declare November 15, 2022, America Recycles Day in Loudoun County (Approval only)

Supervisor Buffington moved that the Board of Supervisors approve the proclamation to support America Recycles Day, 2022, through Board Proclamation. (Consent Item) (Seconded by Supervisor Umstattd. The motion passed 9-0.)

Staff Contact: Tianni Ivey, Vice Chair Saines' Office

R-5 Proclamation to Recognize November 2022 as Native American Heritage Month (Approval & Presentation)

Supervisor Buffington moved the Board of Supervisors approve the Proclamation to Recognize November 2022 as Native American Heritage Month, provided as Attachment 1 to the November 15, 2022, Board of Supervisors Business Meeting Action Item. (Consent Item) (Seconded by Supervisor Umstattd. The motion passed 9-0.)

Staff Contacts: Matt Rogers, Chair Randall's Office; Val Suzdak, Supervisor Umstattd's Office; Christi Maple, Supervisor Buffington's Office

## INFORMATION ITEMS

I-1 2022 Signatures of Loudoun Design Excellence Awards (Countywide)

Design Cabinet Chair Alfred Gooden emceed a brief presentation, using an accompanying PowerPoint slideshow. The Design Cabinet verbally recognized the 2021 Signatures of

Loudoun Design Awards winners who received their awards virtually on July 29, 2021. The Design Cabinet presented awards to the winners of the 2022 Signatures of Loudoun Design Excellence Program. The winners are as follows:

- Makeovers Award: 338 Net Zero
- Public Spaces Award: King Street Station Public Plaza
- Interiors Award: Lightridge High School
- Familiar Award: Lucketts Fire and Rescue Station
- Infrastructure Award: ReThink9 Hillsboro Traffic Calming, Pedestrian Safety, Infrastructure
- Legends Award: VCE Loudoun Master Gardener Demonstration Garden
- Vision in Design Award: Paul Reimers, PR Construction

Link to award presentation:

[https://loudoun.granicus.com/player/clip/7127?meta\\_id=219422](https://loudoun.granicus.com/player/clip/7127?meta_id=219422)

Staff Contacts: Kelly Williams & Daniel Galindo, Planning and Zoning

## ACTION ITEMS

### 1. APPOINTMENTS

#### 1a. Confirmations

Supervisor Buffington moved that the Board of Supervisors confirm the following appointments with terms expiring as noted. (Consent Item) (Seconded by Supervisor Umstattd. The motion passed 9-0.)

#### **Community Service Board**

- Shane Kanady (at-large Representative) nominated by Supervisor Buffington (Term expires June 30, 2025)

#### **Economic Development Advisory Commission**

- Crystal Icenhour (at-large Representative) nominated by the Board of Supervisors (Term expires December 31, 2025)
- Michael Perham (at-large Representative) nominated by the Board of Supervisors (Term expires December 31, 2025)
- Richard Blessing (at-large Representative) nominated by the Board of Supervisors (Term expires December 31, 2025)
- JJ Singh (at-large Representative) nominated by the Board of Supervisors (Term expires December 31, 2025)

#### **Facilities Standards Manual Public Review Committee**

- B.T. Nivas (at-large Representative) nominated by Supervisor Letourneau (Term expires December 31, 2023)

**Transit Advisory Board**

- Evelyn Ingram (Disability Services Board Representative) nominated by the Disability Services Board (Term expires December 31, 2023)

1b. Nominations

**Advisory Plans Examiner Board**

- Supervisor Kershner nominated Louise Zwicker as an at-large Representative

**Leesburg Executive Airport Commission**

- Supervisor Umstattd nominated Johnathan Corcoran as an at-large Representative

**Loudoun Health Commission**

- Supervisor Kershner nominated Carol Hodgson as the Catocin Election District Representative

**Planning Commission**

- Supervisor Letourneau nominated Madhava Madireddy as the Dulles Election District Representative

Staff Contact: David Street, County Administration

2. Administrative Items Report of November 15, 2022

Supervisor Buffington moved that the Board of Supervisors approve the Administrative Items Report of November 15, 2022. (Consent Item) (Seconded by Supervisor Umstattd. The motion passed 9-0.)

a. Budget Adjustments

The Board of Supervisors approved the budget adjustments as set out in the November 15, 2022, Administrative Items Report; and increased the General Fund by \$378,507, increased the Children's Services Act Fund by \$8.00, and increased the Capital Projects Fund by \$3,145,045.

Staff Contact: Megan Bourke, Finance and Budget

b. Timeline Extension – CMPT-2022-0008, Goose Creek Substation Expansion

The Board of Supervisors approved a timeline extension by 139 days to April 28, 2023, for the Planning Commission action on CMPT-2022-0008, Goose Creek Substation Expansion.

Staff Contacts: Grace Oestenstad & Daniel Galindo, Planning and Zoning

c. Application for Virginia Department of Environmental Quality Air Pollution Control Permit Local Governing Body Certification Form and Activity Suitability and Value Form– Cologix

The Board of Supervisors authorized the County Administrator or his designee to execute the Virginia Department of Environmental Quality – Air Permits Local Governing Body Certification Form and Air Pollution Activity Suitability and Value Form certifying that the location and operation of the proposed data center approved with SPAM-2022-0009 with up to 68 generators at 21673 Beaumeade Circle, Ashburn, Virginia (portion of PIN 060-18-9720) is consistent with all applicable local land use ordinances and is suitable for the area in which it is located.

Staff Contacts: Marie Genovese & Daniel Galindo, Planning and Zoning; Hugh Green, County Attorney's Office

d. Reimbursement in Accordance with ZMAP-2016-0010, Proffer VII.C.3

The Board of Supervisors authorized staff to execute a budget adjustment to release funding in LMIS Sequence # 96065830 (Oracle Award # Y01114) as described in the November 15, 2022, Board of Supervisors Business Meeting AIR Item to Van Metre, as reimbursement for the installation of a traffic signal at the intersection of Demott Drive and Waxpool Road.

Staff Contacts: Amy Kresge & Daniel Galindo, Planning and Zoning

e. Timeline Extension - CMPT-2020-0001 & CMPT-2020-0002, Buttermilk and Roundtable Substations

The Board of Supervisors approved a timeline extension by an additional 365 days from December 31, 2022, to December 31, 2023, for Planning Commission action on CMPT-2020-0001 and CMPT-2020-0002, Buttermilk and Roundtable Substations.

Staff Contacts: Bryce Johnson & Daniel Galindo, Planning and Zoning

3. Legislative Report, 2023 Legislative Program (Countywide)

Chair Randall moved that the Board of Supervisors adopt the Proposed 2023 Legislative Program with any updates or revisions as discussed at the November 15, 2022, Board of Supervisors Business Meeting minus the two new items on page 11 (Rent Stabilization and Rent Increase Notifications and Statewide Eviction Prevention Program) and two items on page 14 (Automatic Vote-By-Mail and Restoration of Voting Rights) that were previously discussed. (Seconded by Vice Chair Saines. The motion passed 9-0.)

Supervisor Kershner moved that the Board of Supervisors remove the initiative for Automatic Vote-By-Mail on page 14 from the Legislative Program. (Seconded by Supervisor Buffington. The motion FAILED 3-6: Supervisors Briskman, Glass, Randall, Saines, Turner and Umstatt opposed.)

Supervisor Kershner moved that the Board of Supervisors remove the initiative for Restoration of Voting Rights on page 14 from the Legislative Program. (Seconded by Supervisor

Buffington. The motion FAILED 2-6-1: Supervisors Briskman, Glass, Randall, Saines, Turner, and Umstattd opposed; Supervisor Letourneau abstained from the vote.)

Supervisor Letourneau moved that the Board of Supervisors remove the following language from the initiative for Rent Stabilization and Rent Increase Notifications on page 11: “that would stabilize year-over-year rent increases by establishing a maximum rate of growth” from the Legislative Program. (Seconded by Supervisor Kershner. The motion FAILED 4-4-1: Supervisors Briskman, Glass, Saines, and Turner opposed; Chair Randall abstained from the vote.)

Supervisor Letourneau moved that the Board of Supervisors remove the initiative for Statewide Eviction Prevention Program from the Legislative Program in its entirety. (Seconded by Supervisor Kershner. The motion FAILED 4-5: Supervisors Briskman, Glass, Randall, Saines, and Turner opposed.)

Staff Contacts: Charles Yudd & John Freeman, County Administration

4. Contract Award/Labor Relations Administration Services (Countywide)

Supervisor Buffington moved that the Board of Supervisors approve the recommendation of the Proposal Analysis Group to award the contract for Labor Relations Administration Services to Mr. Keith D. Greenberg. (Consent Item) (Seconded by Supervisor Umstattd. The motion passed 9-0.)

Staff Contacts: Charles Yudd, County Administration; John Sherwood, Sr., County Attorney’s Office; Cheryl L. Middleton, Finance and Budget

5. Road Renaming Business Assistance Program (Countywide)

Vice Chair Saines moved that the Board of Supervisors approve \$443,250 for a Road Renaming Business Assistance Program to businesses on roads being renamed due to the Road Renaming Initiative.

Vice Chair Saines further moved that the Board direct staff to implement the One-Time, Fixed-Amount Grant Program to Offset Business Road Renaming Expenses (Option I) as described in the November 15, 2022, Board of Supervisors Business Action Item and forward consideration of an allocation of \$443,250 in funding during FY 2023 during the FY 2022 General Fund Balance process. (Seconded by Supervisor Briskman. The motion passed 8-0-1: Supervisor Glass absent for the vote.)

Staff Contacts: Kristin Brown, Mapping and Geographic Information; Colleen Kardasz & Buddy Rizer, Economic Development

6. Proposed Through Truck Restriction on Bullrun Postoffice Road – Route 621 (Dulles)

Supervisor Buffington moved that the Board of Supervisors endorse the proposed through truck restriction on Bullrun Postoffice Road (Route 621), between Braddock Road (Route 620) and Route 29, as requested by the Fairfax County Board of Supervisors, and direct staff to notify the Virginia Department of Transportation of the Loudoun County Board of Supervisors’ position. (Consent Item) (Seconded by Supervisor Umstattd. The motion passed 9-0.)

Staff Contacts: Enrique Gonzalez & Nancy Boyd, Transportation and Capital Infrastructure

7. Response to Board Member Initiative: Proposed Traffic Calming in the Village of Bluemont (Blue Ridge)

Supervisor Buffington moved that the Board of Supervisors direct staff to authorize the implementation of traffic calming improvements as described herein on Snickersville Turnpike and Clayton Hall Road in the Blue Ridge Election District, and the perpetual maintenance of the speed tables by the County's Department of General Services.

Supervisor Buffington further moved that the Board of Supervisors direct staff to authorize the amendment of the FY 2023 CIP by directing staff to execute a budget adjustment of \$42,180 from the CIP Contingency account through the Traffic Calming Contingency account and \$52,820 from the Traffic Calming Contingency account for a total amount of \$95,000, which is to be transferred to the Village of Bluemont Traffic Calming Project in the Capital Projects Fund for the installation of the proposed traffic calming improvements along Snickersville Turnpike and Clayton Hall Road in the Blue Ridge Election District and its perpetual maintenance by the Department of General Services. (Consent Item) (Seconded by Supervisor Umstattd. The motion passed 9-0.)

Staff Contacts: Eloisa Thring & Nancy Boyd, Transportation and Capital Infrastructure

8. Board Member Initiative: Proposed Feasibility Study Along Algonkian Parkway (Algonkian)

Supervisor Buffington moved the Board of Supervisors direct staff to identify funds to study the feasibility of multi-modal and pedestrian safety improvements that promote intra county connectivity along the entirety of Algonkian Parkway and return to a future Board Business Meeting with a cost estimate. (Consent Item) (Seconded by Supervisor Umstattd. The motion passed 9-0.)

*Lead Departments responsible for follow up and implementation: Transportation and Capital Infrastructure; Erin McLellan, County Administration*

Staff Contacts: Rey Banks & Ethan Gardner, Supervisor Briskman's Office

9. Board Member Initiative: Resolution of the Board of Supervisors Regarding Social and Racial Equity as Fundamental Values (Countywide)

Chair Randall moved that the Board of Supervisors forward the resolution to affirm equity as a fundamental value of Loudoun County, provided as Attachment 1, to the December 6, 2022, Board of Supervisors Business Meeting for action. (Seconded by Vice Chair Saines.)

Chair Randall accepted Supervisor Kershner's Friendly Amendment to forward the item to the second Business Meeting of January 2023.

The motion, as amended, passed 8-0-1: Supervisor Letourneau absent for the vote.

*Lead Department responsible for follow up and implementation: Carl Rush & Valmarie Turner, County Administration*

Staff Contacts: Matt Rogers, Chair Randall's Office; Omar Masood, Vice Chair Saines' Office; Rey Banks, Supervisor Briskman's Office

## 10. Transportation and Land Use Committee Report:

### 10a. ZMAP-2021-0007, ZMOD-2021-0025, ZMOD-2021-0026, ZMOD-2021-0027 & ZMOD-2021-0028, Innovation Multi-family (Broad Run)

Supervisor Glass moved that the Board of Supervisors deny ZMAP-2021-0007, ZMOD-2021-0025, ZMOD-2021-0026, ZMOD-2021-0027, & ZMOD-2021-0028, Innovation Multifamily, based on the Findings for Denial provided as Attachment 1 to the November 15, 2022, Board of Supervisors Business Meeting Action Item. (Seconded by Supervisor Letourneau. The motion FAILED 3-6: Supervisors Briskman, Buffington, Kershner, Randall, Saines, and Turner opposed.)

Vice Chair Saines moved that the Board of Supervisors approve ZMAP-2021-0007, ZMOD-2021-0025, ZMOD-2021-0026, ZMOD-2021-0027, & ZMOD-2021-0028, Innovation Multifamily, subject to the Proffer Statement dated November 9, 2022, and the Conditions of Approval dated November 9, 2022, provided as Attachments 2 and 3 to the November 15, 2022, Board of Supervisors Business Meeting Action Item. (Seconded by Supervisor Buffington. The motion passed 6-3: Supervisors Glass, Letourneau, and Umstattd opposed.)

Staff Contacts: Jacqueline Marsh & Daniel Galindo, Planning and Zoning

## 11. Promotion of New Transit Routes to Metrorail Stations (Countywide)

Chair Randall moved that the Board of Supervisors suspend the rules. (Seconded by Supervisor Letourneau. The motion passed 9-0.)

Chair Randall moved that the Board of Supervisors authorize staff to delay the implementation of fare collections for routes connecting to the Silver Line Metrorail Stations including paratransit service starting and ending along these routes until Tuesday, January 3, 2023.

Chair Randall further moved that the Board of Supervisors authorize staff to delay the implementation of parking rates in Loudoun County parking garages and lots until Monday, November 21, 2022. (Seconded by Supervisor Letourneau. The motion passed 9-0.)

Staff Contacts: Penny Newquist & Nancy Boyd, Transportation and Capital Infrastructure

## CLOSED SESSION – PART I

Vice Chair Saines moved that the Board of Supervisors recess this public meeting and enter into closed session pursuant to Section 2.2-3711 (A)(8) of the Code of Virginia to consult with legal counsel regarding legal advice pertaining to a proposed agreement and 2.2-3711 (A)(7) to consult with legal counsel about actual litigation in the Leesburg Election District. (Seconded by Supervisor Briskman. The motion passed 9-0.)

Vice Chair Saines moved that the closed session be adjourned, that the Board of Supervisors reconvene its public meeting, that the minutes of the public meeting should reflect that no formal action was taken in the closed session, and further move that the Resolution



Certifying the Closed Session be adopted and reflected in the minutes of this public meeting. (Seconded by Supervisor Briskman. The motion passed via roll call vote 9-0.)

Resolution Certifying Closed Session

Whereas, the Loudoun County Board of Supervisors this 15<sup>th</sup> day of November 2022, convened in closed session by an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act:

Now, therefore, be it resolved that the Board of Supervisors does hereby certify that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the closed session to which this certification applies; and (2) only such public business matters as were identified in the motions by which the said closed session was convened were heard, discussed or considered by the Board of Supervisors.

CLOSED SESSION – PART II

Vice Chair Saines moved that the Board of Supervisors recess this public meeting and enter into closed session pursuant to Section 2.2-3711 (A)(3) of the Code of Virginia to consider acquisition of parcels of property for public use in the Blue Ridge Election District. (Seconded by Supervisor Buffington. The motion passed 7-0-2: Supervisors Letourneau and Turner absent for the vote.)

Vice Chair Saines moved that the closed session be adjourned, that the Board of Supervisors reconvene its public meeting, that the minutes of the public meeting should reflect that no formal action was taken in the closed session, and further move that the Resolution Certifying the Closed Session be adopted and reflected in the minutes of this public meeting. (Seconded by Supervisor Buffington. The motion passed via roll call vote 8-0-1: Supervisor Letourneau absent for the vote.)

Resolution Certifying Closed Session

Whereas, the Loudoun County Board of Supervisors this 15<sup>th</sup> day of November 2022, convened in closed session by an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act:

Now, therefore, be it resolved that the Board of Supervisors does hereby certify that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the closed session to which this certification applies; and (2) only such public business matters as were identified in the motions by which the said closed session was convened were heard, discussed or considered by the Board of Supervisors.